IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:09-HC-2165-BR

UNITED STATES OF AMERICA,)
Petitioner,)))
v.) ORDER
RODNEY MAHTO,)
Respondent.)

This matter is before the court on respondent's 9 November 2011 motion to dismiss the government's petition for his commitment as a sexually dangerous person pursuant to 18 U.S.C. § 4248. (DE # 36.) Petitioner has responded and opposes the motion. The recent decision of the United States Court of Appeals for the Fourth Circuit in <u>United States v. Timms</u>, 664 F.3d 436 (4th Cir. 2012), forecloses all of the arguments made by respondent in his motion to dismiss. As a result, the motion to dismiss is DENIED.

This 18 May 2012.

W. Earl Britt

Senior U.S. District Judge